

Remarks

The above Amendments and these Remarks are in reply to the Office action mailed December 1, 2005. Claims 1 – 63, 64 - 69 are presented herewith for consideration.

Applicants have amended claims 1, 5, 6, 20, 21, 22, 26, 30, 42, 52, 61, and 62 and cancelled claims 63 and 70-81. Applicants respectfully request reconsideration of claims 1 – 63, 64 – 69.

I. Summary of the Examiner's Objections

Claims 1-15, 17, 20-45, 48-77, and 79 were rejected under 35 U.S.C. 102(e) as being anticipated by *Schrire et al.* (US 20040235523).

Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Schrire* in view of *Heinonen et al.* (US 6,728,530).

Claims 18-19, 78 and 81 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Schrire* in view of *Sugimoto et al.* (US 20040192260).

Claims 46-47 and 80 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Schrire* in view of *Vasudevan.* (US 20040192282).

II. Remarks

Rejections Under 35 U.S.C. § 102(E)

Claims 1-15, 17, 20-45, 48-77, and 79 were rejected under 35 U.S.C. § 102(e) as being anticipated by Schire et al. (United States Publication No. 2004/0235523).

It is respectfully submitted that the Claims, as amended, are not anticipated by Schire, et al.

In particular:

- Each of the Claims herein defines one or more of “a setup interface”, “a restore interface”, “a backup scheduling interface” provided to the user via the phone’s user interface. The invention defined herein thus provides a much more convenient mechanism for backing up information stored on a phone.
- Schire et al. teaches a SIM backup application which provides the user no interactive capability via a user interface on the user’s mobile device. At best, the user must contact a customer service center to enable backup operations to the SIM card.

Independent Claim 1 and Claims Dependent Therefrom

It is respectfully submitted that Schire, et al. fails anticipate the invention defined in Claim 1 since each and every element of Claim 1 is not found in Schire, et al. In particular, Schire, et al. fails to disclose:

A method implemented by a processing device on a telephone ..., comprising:
presenting a back-up system user account set-up interface on a user interface on the phone, the set-up interface enabling establishment of a back-up service account;
presenting a backup scheduling interface to the user interface on the phone, the backup scheduling interface accepting user input on a backup schedule; and
presenting a restore information interface on the user interface on the phone, the restore interface enabling a user to retrieve backup information to a data store on the phone.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (MPEP §2131). Hence, all of the elements called for in the present claims must be shown to be anticipated.

The Examiner has stated that Schire, et al. includes a method of presenting a backup system user account setup interface as the "interface" was previously defined. (Office Action, Page 2.) The Examiner cites paragraphs 0051 and 0061 of the Schire, et al. reference. These paragraphs describe the fact that a mobile station consists of a mobile phone with a SIM card and appropriate models (paragraph 0051) and that a card holder verification processor is programmed with security data for verifying the authenticity of the user from a "pin number" typed in by the user using the keyboard. (paragraph 0061) Neither of these two paragraphs, nor any other portion of the Schire et al. reference, discloses a "backup system user account setup interface [presented] on a user interface on the phone...the set up interface enabling establishment of a backup service account."

As noted in Schire, et al. text, the information accepted by the card holder verification processor is simply "...a security number (CHQ) derived from the PIN number typed in by the user using the keyboard". There is no identification of any separate "back-up system user account set-up interface on a user interface" for establishing a user account via the phone. As understood from the text of the Schire, et al. specification, establishment of a backup account must be done through the customer service center by the user directly in contact with the customer service center. There is no disclosure that the phone, other than through its normal use as a telephone in contact with the customer service center, can be used to establish a user account.

Moreover, there is no disclosure in Schire et al. of the step of "presenting a backup scheduling interface to the user interface on the phone, the backup scheduling interface accepting user input on a backup schedule." The Examiner had cited Paragraph 0084 and Paragraph 0102 of Schire, et al., noting that "the database backed-up generally on a regular daily basis" (page 2 of the Office Action). The cited paragraphs do indeed establish that a database is backed-up regularly. However, the database referred to in the relevant paragraphs is that of the backup service center, not the data store on the phone. Moreover, there is no disclosure that the user has any input on when the data in the backup data center is backed-up, much less any input via a backup scheduling accessible via a user interface on the telephone.

Finally, there is no disclosure of the step of "presenting a restored information interface...enabling the user to retrieve backup information to a data store on the phone". As noted above, the user is not capable of restoring information to the phone directly using an interface on the phone in the Schire et al. teachings. Rather, the user must communicate with the customer service center.

Hence, because each and every limitation is not present in the Schire, et al. reference, Claim

1 is not anticipated under 35 U.S.C. § 102(e) by Schire et al. Likewise, Claims 2 -15, 17, dependent upon Claim 1 and including all of the limitations thereof, they are likewise not anticipated by Schire et al.

Claim 20 and Claims Dependent Therefrom

Claim 20 calls for a method for storing personal information on a wireless telephone in a backup storage database. It is respectfully submitted that Schire, et al. fails anticipate the invention defined in Claim 20 since each and every element of Claim 20 is not found in Schire, et al. Claim 20 includes elements not disclosed by the Schire reference including:

providing a phone agent including instructions operable by a processor in the phone to implement ... a restore method retrieving backup information to a data store on the phone, the agent including *a backup service sign-up interface, a backup method scheduling interface and a restore interface calling the restore method*, all provided to a user interface on the phone; and
responsive to user entry at the restore interface of said agent, providing changes from the backup store to the wireless telephone.

The aforementioned limitations define three “interfaces” not disclosed by Schire, et al. As noted above, Schire et al. requires all user inactivity other than entering a pin number to be provided to a customer service department. There is no user interface on the phone for enabling a backup service signup, a backup method scheduling interface, or a restore method as defined in Claim 20. Moreover, there is no step of “providing changes from the backup store to the wireless telephone...responsive to user entry at the restore interface of said agent.”

The elements cited by the Examiner as supporting the 102(e) rejection with respect to the Schire et al. user interface concern refreshing the user display with the information in the SIM card. (Paragraphs 0065 and 0067) There is no disclosure that any separate control interface is provided to the user to enable the backup service or set up the backup service, or for the user to use a backup

interface for backup scheduling. In particular, a number of backup intervals are described, (generally the “first”, “second”, and “third” embodiments of Schire, et al.), all based on a user changing the data input to the SIM card and polling the card for changes to the information stored on the SIM card. However, this user input is, as understood, native to the phone – in entering abbreviated dialing numbers to the card -- and no interfaces are provided separately by the backup application of Schire et al.

In particular, Paragraph 0067 notes that “the poll signal control unit 47 is used to cause the clock 45 to send polling signals at five second intervals during the “idle” periods for the phone 7 following the times at which the display on the phone has been refreshed, this being a time when the SIM card is usually *inactive*.” (Emphasis provided). Hence, the portion of Schire, et al. provided by the Examiner to support the presentation of any type of user interface is in fact a discussion of the SIM program attempting to avoid interrupting the user display. Likewise, Paragraphs 114 and 119 indicate that restore data messages are in SMS form (Paragraph 114), and that “it may be arranged that the mobile phone display displays a message to the effect that successful restoration has taken place” (Paragraph 119). Neither presents an “interface” as claimed. This latter display of a message appears to be the only indication that the SIM application displays. Further, this is not an “interface” since no user interaction can occur with this message. As noted above, there is no facility for a user to present a backup system user account setup information in order to schedule backups. All backup scheduling takes place based on the application in the phone, provided by a service provider.

Hence, for the reasons discussed above, it is respectfully submitted that Claim 20 and Claims 21-29 are not anticipated under 35 U.S.C. § 102(e) by Schire et al.

Independent Claim 30 and Claims Dependent Therefrom

It is respectfully submitted that the invention as defined in Claim 30 including the steps of: “presenting a back-up system user account set-up interface on a user interface on the phone; establishing a user account via the backup system user account setup interface...and transmitting phone data to a backup store via a wireless network at regular intervals scheduled with the user” is not anticipated by Schire et al.

As noted above with respect to Claims 1 and 20, the portion of the Schire, et al. reference understood to be used by the Examiner to support the disclosure of a user interface in Schire et al. does not disclose presenting a back-up system user account set-up interface on a user interface on the phone. The cited portion (paragraphs 0065, 0067, 1114 and 0119) are a discussion of polling the SIM card with a signal between the control unit and the clock at five second intervals during idle periods to the phone, and a displays of a message that the restore is complete.

For the reasons set forth above with respect to Claims 1 and 20, it is respectfully submitted that Claim 30 and Claims 31-41 dependent from Claim 30 are likewise not anticipated by Schire et al.

Independent Claim 42 and Claims Dependent Therefrom

It is respectfully submitted Independent Claim 42 is not anticipated by Schire et al. Independent Claim 42 calls for an method for a wireless telephone including “a restore process *activated by a user via a restore interface* provided to the user by the application on the phone...”

As noted above, there is no restore interface provided to the user by the application in Schire et al. As discussed therein, in order to initiate a restore service, “this will normally be dealt with by the user contacting a customer service centre”. (Schire, Paragraph 113). There is absolutely disclosure on how the customer is to contact the customer service center, but there is in addition no

disclosure that any such contact can occur through the application interface on the phone. Simply calling the customer service center utilizing the standard features of the telephone is not utilizing the components of “an application for a wireless telephone” and is in fact a use of separate elements of the telephone.

For the reasons set forth above with respect to Claims 1, 20, and 30, it is respectfully submitted Independent Claim 42 and Dependent Claims 43- 45 and 48-51 dependent therefrom are not anticipated by Schire et al.

Independent Claim 52 and Claims Dependent Therefrom

Independent Claim 52 calls for an application for restoring personal information in a wireless phone. The application includes an automated user account creation method “...initiated by the user via a user interface on a wireless telephone...” and “...a restore method called by the user through a restore interface presented on the user interface of the phone”. (Emphasis added).

For the reasons set forth above with respect to Claims 1, 20, 30 and 42, it is respectfully submitted that Independent Claim 52 is not anticipated by Schire et al. It is further respectfully submitted that Claims 52-60 are not anticipated by Schire et al.

Independent Claim 61 and Claims Dependent Therefrom

Independent Claim 61 includes “one or more processor readable storage devices having processor readable code...for programming one or more processors to perform the method comprising the steps of:

presenting a backup scheduling interface to a user interface on a wireless phone, the backup scheduling interface accepting user input on a backup schedule;
transmitting changes to the phone data at an interval defined by the user via the user interface over time to the backup system; and

presenting a restore information interface on the user interface on the phone,...

For the reasons set forth above with respect to Claims 1, 20, 30 and 42, it is respectfully submitted that Independent Claim 60 is not anticipated by Schire et al. There is no “backup scheduling interface”, “interval defined by the user via the user interface” or “restore information interface” provided in the disclosure of Schire, et al. It is further respectfully submitted that Claims 52-60 are not anticipated by Schire et al.

Rejections Under 35 U.S.C. § 103

Claim 16

The Examiner rejected Claim 16 under 35 U.S.C. § 103 as being unpatentable over Schire, et al. in view of Heinonen et al. (indicated in the Office Action (page 19) as “U.S. 1234567”, understood to be U.S. Patent No. 6,728,530).

For the reasons set forth above, it is respectfully submitted that use of Schire, et al. as a primary reference in the 103 rejection is misplaced, since Schire, et al. not only does not teach the fact that the “personal information comprises a calendar entry data store” as admitted by the Examiner on Page 19 of the Office Action, but also does not teach the respective interfaces defining Claim 1, from which Claim 19 depends.

One of average skill in the art viewing Schire, et al. finds no teaching or suggestion of controlling the system described therein from a user interface on the phone, much less providing the control provided by the several functional interfaces defined in claim 1 and claim 16 by its dependence on claim 1.

Hence, for the reasons set forth above, it is respectfully submitted that Claim 16 is not obvious under 35 U.S.C. § 103 as being unpatentable over Schire et al. in view of Heinonen et al.

Claims 18-19, 78, and 81

Claims 18-19, 78 and 81 were rejected under 35 U.S.C. § 103 as being unpatentable over Schire in view of Sugimoto et al. (United States Publication No. 2004/0192260). Claims 78 and 81 are cancelled.

For the reasons set forth above with respect to Claim 1, it is respectfully submitted that Schire et al. not only fails to teach that “personal information comprises an alarm data/a custom dictionary data/an e-mail data store”, as admitted by the Examiner on Page 19 of the Office Action, but also fails to teach the claimed interfaces provided on the telephone, as defined in Claim 1, from which Claims 18 and 19 depend.

It is therefore respectfully submitted that Claims 18 and 19 are not obvious in view of Schire, et al. taken with Sugimoto et al.

Claims 46-47 and 80

Claims 46 and 47 and 80 were rejected under 35 U.S.C. § 103 as being unpatentable over Schire in view of Vasudevan (United States Publication No. 2004/0192282). The Examiner has stated that Schire et al. “...teaches all the particulars of the claimed invention except the application includes a BRED/JAVA agent.”

For the reasons set forth above with respect to Claim 42, from which Claims 46 and 47 depend, it is respectfully submitted that reliance on Schire et al. as a primary reference does not support a rejection under 35 U.S.C. § 103 since Schire et al. fails to teach the claimed restore interfaces defined in Claim 42. Claim 80 has been cancelled.

For the reasons set forth above with respect to Claim 42, it is respectfully submitted that

Claims 46 and 47 are not obvious in view of Schire et al. taken with the Vasudevan.

Based on the above amendments and these remarks, reconsideration of Claims 1-63, 64 – 69 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

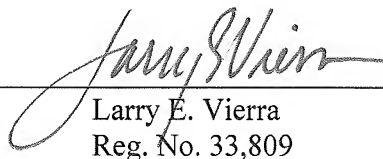
Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, June 1, 2006.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: June 1, 2006

By: _____


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